IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 25096 of 2003**

**And**

**WRIT PETITION NO : 12495 of 2004**

**WRIT PETITION NO : 25096 of 2003**

Between:

R.V.N.S. Murthy, S/o. R. Krishna Murthy, Senior Assistant, College of Home Science, Saifabad, Hyderabad - 500 004.

**..... PETITIONER**

AND

1 Acharya N.H. Ranga Agricultural University, rep. by its Registrar, Administrative Office, Rajendranagar, Hyderabad - 500 030.
2 Sri Gulam Ghouse, Superintendent, AHRD Project, ANGRAU Admn. Office, Rajendranagar, Hyderabad - 500 030.
3 Sri M. Prabhakar, Superintendent, Regional Agriculture, Research Station, Jagtial - 505 327, Karimnagar District.
4 Sri N. Veera Raju, Superintendent, ANGRAU Admn. Office, Library Section, Rajendranagar, Hyderabad - 500 030.
5 Sri D. Venkateswara Rao, Superintendent, ANGRAU Admn. Office, Transport Section, Rajendranagar, Hyderabad -500 030
6 Sri D. Satyanarayana, Superintendent, Agricultural College, Aswaraopeta, Khammam District.
7 Sri K. Murali, Superintendent, ANGRAU Admn. Office, Rajendranagar, Hyderabad - 500 030.
8 Sri K. Jagannadha Prasad, Superintendent, regional Agril research Station, Anakapalle. S.V. Agricultural College Campus,
9 Sri V. Satyanarayana Reddy, Superintendent, Engineering Division,

S.V. Agricultural College Campus,
Tirupati - 517 502.
10 Sri T. Jayachander, Superintendent, Krishi Vigyan Kendra, Malyal, Warangal District.
11 Sri J. Gangi Chetty, Superintendent, Krishi Vigyan Kendra, Reddipally - 517 701, Ananthapur District.
12 Sri J. Balaiah, Superintendent, Regional Accounts Office, Agricultural College, Bapatla - 522 101.
13 Sri P. Umamaheswara Rao, Superintendent, Regional Accounts Office, Regional Agricultural Research Station, Anakapalle.
14 Sri N. Rama Rao, Superintendent, Regional Accounts Office, Regional Agricultural Research Station, Tirupati - 517 502.
15 Sri V.V. Subba Rao, Superintendent, Krishi Vigyan Kendra, Mahanandi, Kurnool District.
16 Sri S. Mahammed Shariff, Superintendent, Agricultural Research Station, Ananthapur - 515 001.

(WP is dismissed against R15 as per Court order dt.02-02-2005 in W.P.M.P 1552/05)

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing the impugned proceedings in No. 2077/Ser.V(A1)/2003, dt: 20-10-2003 promoting my juniors 15 members, who are respondent Nos.2 to 16 as superintendents defeating my seniority and rights as arbitrary, illegal, discriminatory, violative of the fundamental rights guaranteed to me under Articles 14, 16 and 19(1)(g) of the Constitution of India as also violative of APAU Ministerial Service Regulations 1981 and quash the impugned proceedings No. 2077/Ser.V(A1)/2003, dt: 20-10-2003 in so far as respondent Nos. 2 to 16 are concerned, duly quashing the unconstitutional executive orders of the 1st respondent in Proc. No. 889/SC/83, dt: 21-5-1983 and Proc. No. 31/SC/88, dt : 6-1-1988 and issue a consequential direction declaring me as senior to the respondent Nos. 2 to 16 herein as stated above and promote me as superintendent forthwith placing me before my juniors as are deemed fit and proper in the circumstances of the case.

**Counsel for the Petitioner: PARTY-IN-PERSON**

**Counsel for the Respondent: MR.B.SIVA REDDY FOR R1**

**The Court made the following:**

–

–

**WRIT PETITION NO : 12495 of 2004**

Between:

1 T. Srinivasu, S/o. Late T. Subba Rao,
Administrative Office, ANGR Agricultural University,
Rajendra Nagar, Hyderabad - 30.
2 K. Venkateswarlu, S/o. Late K. Latchaiah,
Administrative Office, ANGR Agricultural University,
Rajendra Nagar, Hyderabad - 30.
3 Mohammad Ghouse, S/o. Shaik Chand,
Administrative Office, ANGR Agricultural University,
Rajendra Nagar, Hyderabad - 30.

**..... PETITIONERS**

AND

1 Acharya NG Ranga Agricultural University, Rajendranagar,
Hyderabad. rep by its Registrar
2 B. Meenakshi, D/o. B. Kamakshamma,
Krishi Vigynana Kendra, Amudalavalasa, Srikakulam District.
3 T.R.Premkumar, S/o. T.K. Ramachandra Rao,
Administrative Office, ANGR Agricultural University,
Rajendra Nagar Hyderabad - 30.
4 D. Sailaja, W/o. Srinivasa Rao,
Administrative Office, ANGR Agricultural University,
Rajendra Nagar Hyderabad - 30.
5 R. Venkatewarlu, S/o. R. Venkataratnam,
Administrative Office, ANGR Agricultural University,
Rajendra Nagar Hyderabad - 30.
6 V. Pothu Raju, S/o. V. Shankar Rao,
Administrative Office, ANGR Agricultural University,
Rajendra Nagar Hyderabad - 30.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ of mandamus or any other appropriate writ of direction (a) declaring the Regulation 6(4) (iii) of ANGRAU Ministerial Service Regulations 1981 in so far as stating that the seniority of the Upper Division Stenographers so converted shall be fixed among the Upper Division Clerks with reference to his date of appointment as U.D. Steno as illegal arbitrary and violative of Article 14 and 16 of the constitution of India and quash the same as illegal (b) to set aside the Proc. No. 325/Ser.V(A1)/2004 dated 17-2-204 in

which respondents 2 to 6 were converted and whose seniority is purported to be reckoned from the date of promotion to the post of U.D. Stenos (c) consequently declare the petitioners as seniors to respondents 2 to 6.

**Counsel for the Petitioner: MR.O.MANOHER REDDY**

**Counsel for the Respondent No.1: MR.B.SIVA REDDY**

**The Court made the following:**

–

–

–

–

–

–

–

–

–

–

–

–

**COMMON ORDER:**

–

Since common question of law is involved in these two writ petitions, they are being disposed of by a common order.

In W.P.No.25096 of 2003, the challenge was made to Clause 4 (iv) of Regulations 6 of A.P. Agricultural University Ministerial Service Regulations, 1981 (for short 'Regulations 1981'), which reads as follows:

> "Provided that an U.D. Stenographer after conversion as Senior Assistant shall be eligible for promotion as Superintendent if he has put in a minimum service of two years in the post of Senior Assistant."

Whereas, in W.P.No.12495 of 2004, the challenge was made to Clause 4 (iii) of Regulation 6 of Regulations 1981 insofar as fixing the seniority of Upper Division Stenographer so converted shall be fixed among the Upper Division Clerks with reference to his date of appointment as a U.D Stenographer.

The brief facts that are necessary for disposal of the present writ petitions are as follows:

The petitioner in W.P.No.25096 of 2003 submits that he joined the services of the first respondent-university on
16-07-1983 as L.D. Stenographer at its Fisheries Research Station vide appointment order No.1094/Ser.III/83, dated
06-07-1983. Thereafter, the petitioner, who was transferred and posted as L.D. Stenographer on 16-09-1986 at Rice Section, Agricultural Research Institute, Rajendranagar, was promoted as U.D. Stenographer after some time. He submits the he was again transferred from Rice Section to the Centre of Advanced Studies, P.G. & Research Centre, Rajendranagar,
as U.D. Stenographer where his services were exclusively used as an establishment clerk, stocks & stores in-charge and accountant apart from the activities of a stenographer independently for a period of seven years. He further submits that while working as U.D. Steno, he studied Law and obtained L.L.B. Degree and qualified in the Subordinate Accounts test Part-I and Part-II, which are required for promotion under the Regulations, 1981. It is the case of the petitioner that though he submitted his option to be converted as Senior Assistant on 24-02-1995 and again on 25-06-1996, the same was given to him only on 19-06-2003 and the eight years delay in converting him as a senior Assistant has caused loss to his career as the persons who are juniors to him got promoted as Superintendents. The petitioner contends that as he has exercised his option to be converted as Senior Assistant on 24-02-1995 and on 25-06-1996, the first respondent should have converted him as Senior Assistant in the year 1998, but he was converted only on 13-06-2003, after a lapse of 8 years. At the same time, the first respondent willfully issued the impugned proceedings dated 20-10-2003 promoting the respondents 2 to 16, who are juniors to the petitioner. The first respondent-university issued the impugned proceedings No.889/S.C./83, dated 21-05-1983 to the effect that no person who is converted from the category of U.D.Steno to the category of U.D. Clerk shall be considered for promotion to the post of Superintendent, unless he puts a minimum service of 2 years in the post of
U.D. Clerk, which provides him to get experience in the clerical work before he is considered for promotion to the supervisor post of Superintendent. He further submits that the restriction of two years service in the post of U.D. Clerks before he is

considered for promotion to the post of Superintendent, is not applicable in his case in view of the fact that he had worked as accountant, establishment clerk, stocks & stores clerk at Fisheries Research Station, palair and Centre of Advanced Studies, Rajendranagar. Challenging the same, the writ petition is filed.

The respondents filed a counter affidavit stating that the contention of the petitioner that respondents 2 to 16, who are his juniors were promoted is not correct, because they were promoted to the post of Superintendent vide proceedings 20-10-2003, strictly basing on their seniority and eligibility.

The proceedings of the first respondent dated 21-05-1983 and 06-01-1988 specify that an Upper Division Stenographer after conversion as Senior Assistant shall be eligible for promotion as superintendent after he has put in a minimum service of two years in the post of Senior Assistant and this minimum service of two years service provides the incumbent to get experience in the clerical work before he is considered for promotion to the supervisory post of Superintendent.

Though Regulation 11 (ii) of Regulations 1981 provides that no Upper Division Stenographer is eligible for transfer as Senior Assistant, unless he passes accounts test part-I, since the petitioner was promoted as U.D. Stenographer on 06-01-1995, he would be eligible to opt for conversion as Senior Assistant only after completion of 3 years, provided that he qualifies himself in the account test part-I. The petitioner has passed the account test part-I in May 2000 and therefore he cannot be considered for conversion till May 2000. But, respondents 2 to 16 were qualified and holding the post of Senior Assistants before May 2000.

It is further contended that at the time of submitting his option, the petitioner is aware of the fact that he would be eligible for the post of Superintendent only after working as Senior Assistant for two years after his conversion from U.D. Stenographer. Knowing the said fact, he opted for conversion and after his conversion, he is contesting that the mandatory period of 2 years as Senior Assistant is illegal, which is not tenable.

The petitioners in W.P.No.12495 of 2004 were appointed as Junior Assistant-cum-Typists in the first respondent-university by direct recruitment in July, 1987.

They submit that they have passed the Accounts Test for Subordinate Officers parat-I and Part-II, which is an essential qualification to become eligible for promotion to the next higher posts of Senior Assistant and Superintendent respectively. It is further stated that respondents 3 to 6 were promoted to the post of U.D. Stenos on 08-12-1998 and they have opted for conversion as Senior Assistants and accordingly they were converted vide impugned proceedings. The respondents 4, 5 and 6 have not qualified themselves in the Account Test Part-I as on the date of promotion to the post of U.D. Stenographer. As per regulations 1981, a person working in the category of Junior Assistant-cum-typists is entitled for promotion, as per seniority, the next higher post of Senior Assistant provided that he passes Accounts Test for Subordinate Officers Part-I. The petitioners herein are aggrieved by Regulation 6 (4) (iii) insofar providing that the seniority of the Upper Division Stenographer so converted shall be fixed among the Upper Division Clerks (Senior Assistants) with reference to his date of appointment as U.D. Steno. It is further stated that respondents 2 to 6 who are very much juniors to the petitioners were converted as Senior Assistants and their seniority is purported to be reckoned from the date of their promotion to the post of U.D. Steno and therefore the action of the first respondent in converting the respondents as Senior Assistants and purporting to reckon their seniority from the date of their promotion to the post of U.D. Steno will adversely affect the seniority of the petitioners. There is no rationale in converting the U.D. Stenos as Senior Assistants as and when opted and there is no legal justification stating that the seniority would be reckoned from the date of promotion to U.D. Steno, though they do not hold the post of Senior Assistant until they are converted.

It is further stated that the first respondent-university on the apprehension that U.D. Steno does not have any clerical experience, issued Proc.No.889/Sc/83, dated 21-05-1983, wherein 2 years experience as a clerk has been made mandatory to the Senior Assistant who is converted from U.D. Steno before considering him for the next higher post of Superintendent. Therefore, the fixation of seniority from the date of becoming U.D. Steno, though they are converted as Senior Assistants at a later date, is arbitrary and the services of the respondents 2 to 6 as U.D. Steno cannot be taken into account in the cadre of Senior Assistant for the purpose of fixation of seniority among the existing Senior Assistants. Challenging the same, the present writ petition is filed.

A counter affidavit is filed by the respondents stating that the reliefs sought by the petitioners are against the fundamental rights and the principles of natural justice apart from being capricious and arbitrary to the exuberant service rules and laws framed by the first respondent and are equated with the settled law i.e, Gloucester Grammar School case
law and hence, the writ petition is liable to be dismissed.
The U.D. Stenographers are converted as Senior Assistants only after qualifying the account tests and according to the prevailing service regulations. The petitioners are qualified in degree, typewriting and accounts test, whereas the respondents have not only qualified in the said tests, but also in shorthand. It is contended that the contention of the petitioners that instead of reckoning the seniority in the cadre of U.D. Clerk from the date of exercising the option for conversion, the regulations state that the seniority would be counted from the date of promotion to the post of U.D. Steno, is illegal and arbitrary. The conversion of the U.D. Stenos to the post of Senior Assistant is made only after the U.D. Stenos have qualified the Subordinate Accounts Test and all the process is based on the Regulations. Therefore they pray to dismiss the writ petition.

W.P.No.25096 of 2003 is filed by the party in person *inter alia* contending that Regulations 1981 are inconsistent with Part-III of the Constitution and therefore, the Regulation is void. He further contended that without basing on the representation of certain U.D. Clerks, the first respondent has issued the impugned orders imposing restriction of two years service causing irreparable loss to the Stenographers. He further stated that his services were exclusively used as an establishment clerk, stocks & stores in charge independently for a period of seven years and that he has having degree in Law and stood first in the English elocution competitions conducted by the State Government. Though he opted on
25-06-1996 to be converted as a U.D. Assistant, the same has not been accepted by the first respondent till 19-06-2003 for the best reasons known to him and the delay in converting him as Senior Assistant has caused loss to his career as most of his juniors were promoted as Superintendents. In the State Government Rules, there is no restriction of service after conversion for the future promotion and therefore, the action of the respondents is illegal and arbitrary. Hence, he prays to allow the writ petition.

On the other hand, the learned counsel appearing for the petitioner in W.P.No.12495

of 2004 contended that there is no rationale in converting U.D. Stenographers as Senior Assistants as and when opted and there is no legal justification stating that the seniority would be reckoned from the date of promotion to U.D. Stenographer, though they did not hold the post of Senior Assistant until they are converted. Therefore, the fixing of the seniority of the U.D. Stenos for the conversion from the date of their appointment as a U.D. Steno is illegal and arbitrary. No reasons are assigned for incorporating the said Rule and therefore the classification is illegal and hence he prays to quash the same.

On the other hand, the learned Standing counsel appearing for the respondents in both the writ petitions contended that the fixing of seniority from the date of promotion in the post of U.D. Steno is legal and justified for the reason that both the categories come under the Ministerial Service Regulations and their pay scale is the same. After conversion from U.D. Steno to Senior Assistant, one has to put up 2 years service as a Senior Assistant before considering him for the next post i.e., Superintendent so that they can get acquaintance with the clerical nature of work and that the university acted as per the provisions of the said Regulations and there is no violation of the Provisions and Rules and hence, the respondents pray to dismiss the writ petitions.

In W.P.No.25096 of 2003, the Regulations 1981 were framed by the Board of Management of A.P. Agricultural University in exercise of the powers conferred by Sub-section (1) of Section 40 of A.P. Agricultural University Act, 1963 read with statute 9 of the Additional Statues made by the Board of Management with the prior approval of the Government of Andhra Pradesh. The power of the university in making the Regulations is not under challenge. The Ministerial service under the university consists of several categories of posts, but in these two writ petitions we are concerned with category–II of Regulation 3, namely i) Upper Division Clerks and ii) Upper Division Stenographers. These are the two feeder categories for the next promotion of category-I i.e., Superintendents and Special Category Stenographers. Under sub-clause (iii) of Clause 4 of Regulation 6, an Upper Division Stenographer shall have option to get himself converted as an Upper Division Clerk after completion of three years service as Upper Division Stenographer, and the seniority of the Upper Division Stenographer so converted shall be fixed among the Upper Division Clerks with reference to his date of appointment as Upper Division Stenographer. Further, no Upper Division Clerk is eligible for promotion, unless he

passes accounts test for Subordinate Officers Part-I and Part-II. Sub-clause (iv) of Clause 4 was incorporated in Regulation 6 by way of amendment dated 06-01-1988. Introduction of this clause restricts permission to U.D. Stenographers after conversion as a Senior Assistant for promotion as Superintendent, unless he puts a minimum service of 2 years in the post of Senior Assistant. The university making the said amendment under the provision of the Act is also not under challenge. The purpose of putting such a restriction in the category of
U.D. Clerk provides a person to get experience in the clerical work, before he is considered for promotion to the supervisory post of Superintendent. As a Stenographer, he may not have any clerical experience to do the administrative work. The nature of duties of a Stenographer is confined only to a particular type of work. The challenge was made on the ground of inequality under Article 14 of the Constitution. Article 14 prohibits clause legislation and not reasonable classification for the purpose of legislation. Unless the regulation is unreasonable and arbitrary, the Court will not normally interfere. The petitioner has to demonstrate inequality by virtue of classification. The, decision making process by the university in introducing the clause should be transparent, fair and open.

The presumption is always in favour of the constitutionality of an enactment, since it must be resumed that the legislature/statutory bodies understand and correctly appreciate the needs of the persons that its laws/regulations are directed to problems made manifest by experience and its discriminations are based on adequate grounds. The presumption would also be rebutted where the classification made by the legislature/statutory bodies is patently arbitrary. The burden of showing that classification rests upon the arbitration and not reasonable basis or the discrimination as apparent and manifest is upon the person, who impeaches the law as a violation of the guarantee of equal protection. The allegation must be specific, clear and unambiguous and must give particulars. Throwing out fake hints that there may be other instances of like nature, which the impugned regulation has left out is not enough; such instances must be specified and it must be proved that selection by statutory body has been arbitrary and has no reasonable relation to the object to be achieved by the statute.

As already indicated, when a person is appointed in the category of Stenographer, he does not have any clerical experience on administration side. The post of

Superintendent is a supervisory post, wherein one has to discharge his duties mostly on administrative side. When a person is converted from U.D. Steno to U.D. Clerk, naturally he will not have any experience on clerical side or administrative side, because he is accustomed to a particular type of work. Since the post of Superintendent is a supervisory post, the nature of duties and responsibilities are more and therefore when a person is converted from U.D. Steno to U.D. Clerk, he has to put up a minimum service of 2 years in the post of U.D. Clerk and therefore, he would be eligible for the promotion of Superintendent. Such a restriction cannot be said to be unreasonable or arbitrary. Depending upon the nature of duties of U.D. Stenographers and U.D. Clerks, the said experience is required so that one can learn ministerial work and gain experience on clerical side immediately after conversion as U.D. Clerk from U.D. Stenographer.

The grievance of the petitioner in W.P.No.25096 of 2003 is that since he has already gained experience in the establishment of stocks, stores and accounts and he qualified for subordinate accounts test part-I and part-II, he may be given promotion. Since the service of the petitioner was used by the university on administrative side, he may be having a rich experience as a clerk, but each and every person will not get such experience. The petitioner gaining experience as a clerk, cannot be a ground for giving promotion to him. But, all other Stenographers may not have any experience on clerical side or administrative side. Therefore, putting such a restriction of two years as a U.D. Clerk upon conversion from U.D. Stenographer cannot be said to be unreasonable or arbitrary.

The further claim of the petitioner is that he gave an option for conversion on 25-06-1996 as per the Rules, but till 19-06-2003 he was not converted as a U.D. Clerk and if his option was accepted in the year 1996, he would have gained 2 years experience and he would have been eligible for promotion and therefore, the action of the respondent is arbitrary. The said contention is devoid of merit in view of the fact that no Upper Division Stenographer is eligible for transfer as a Senior Assistant, unless he passes Subordinate Accounts test part-I. According to the first respondent-university, the petitioner passed the accounts test part-I during May, 2000 and therefore the question of consideration for conversion till May, 2000, does not arise. Even otherwise, it is for the respondent-university to take appropriate decision over converting a person from U.D. Stenographer to U.D. Clerk depending upon the vacancies and administrative exigencies. Though Rule provides for

conversion of U.D. Stenographer to U.D. Clerk, but that does not confer any right on the petitioner that on immediate option for conversion, he should be converted. Therefore, the conversion will have to be effected keeping in view of the vacancies in the cadre of Senior Assistant and other administrative reasons.

The contention of the petitioner that respondents 2 to 16 were juniors to him cannot be accepted in view of the fact that according to the first respondent, respondents 2 to 16 were qualified and holding the post of Senior Assistant before May, 2000 and by that date, the petitioner has not even been qualified for conversion in view of the fact that he passed the account test in the month of May, 2000. When the petitioner himself submitted willingness for conversion of his post from U.D. Stenographer to U.D. Assistant, he would be aware that he is eligible for promotion for the post of Superintendent, only after working as a Senior Assistant for two years after his conversion. Now, he cannot turn around and say that the restriction of two years service as Senior Assistant to the post of Superintendent is illegal and arbitrary. The other allegation that the first respondent-university has promoted the juniors of the petitioner and unqualified persons overlooking the seniority cannot be accepted in the absence of any factual foundation. In view of the fact that the first respondent has taken a specific plea that the university had never overlooked the seniority and qualified persons and further made all the promotions strictly as per the Rules in vogue, the respondents 2 to 16 were given promotion prior to 1990 and therefore it is clear that they were the seniors to the writ petitioner.

The powers and functions of the two clauses i.e.,
U.D. Stenographer and U.D. Clerk are separate and distinct. Under no circumstances, these two posts can be equated equally. Though the category is the same, but at the same time the powers and duties are entirely different. So, in such view of the matter, the restriction of two years minimum service as U.D. Clerk upon conversion for the next promotion of Superintendent cannot be said to be illegal and arbitrary.

Coming to the seniority of U.D. Stenos upon conversion as an U.D. Clerk, the normal role is that the seniority has to be reckoned from the date of his promotion to a particular category. The seniority of an U.D. Clerk shall be reckoned from the date of promotion from U.D. Stenographer.
Sub-clause (iii) of Clause 4 of Regulation 6 of Regulations 1981 provides for determination of seniority among the U.D. Clerks when a U.D. Stenographer was

converted as an U.D. Clerk. The seniority of the U.D. Steno so converted shall be fixed among the U.D. clerks with reference to his date of appointment as U.D. Steno. Since the said Regulation makes it clear that the seniority of the U.D. Steno shall be reckoned from the date of his appointment as a U.D. Clerk, when a U.D. Steno was converted as an U.D. Clerk, the same cannot be said to be arbitrary and illegal in view of the fact that the normal role is that the seniority has to be reckoned from the date of promotion into a particular category or a particular post.

The grievance of the petitioner in W.P.No25096 of 2003 is that because of such conversion adverse affect is being caused to the seniority of the existing Senior Assistants. There is no provision for conversion as mandatory, but it is entirely within the discretion of the first respondent-university to effect
the conversion upon completion of two years as a
U.D. Stenographer. It is contended that the said Regulation does not provide for conversion from U.D. Clerk to U.D. Steno vice versa made, wherein the services of the seniors is being affected. The qualification, recruitment and promotion to the post of U.D. Steno and Senior Assistant are entirely different. For a person to be promoted as a U.D. Clerk, there cannot be any qualification like shorthand or stenography. In such view of the matter, the question of conversion of U.D. Steno to Senior Assistant does not arise.

The contention is that there is no justification on the part of the first respondent in framing such a Regulation, so that the seniority would be reckoned from the date of promotion to the post of U.D. Steno and there is no rationale in converting the U.D. Stenos as Senior Assistants. The petitioner did not challenge the Regulation insofar as the conversion of U.D. Stenos to the U.D. Assistants. The petitioner only challenges the date of seniority from the date of conversion. Since the conversion of U.D. Stenos to U.D. Assistants is not under challenge, the date of promotion as a U.D. Steno as criteria for the seniority cannot be said to be unreasonable. If the date of conversion is taken into consideration for the purpose of reckoning seniority in the cadre of U.D. Assistant, then certainly it would be unreasonable and unjustified. Since the pay scale and cadre of U.D. Stenos and U.D. Assistants are one and the same for all practical purposes, except the nature of functions and duties of the two categories, it is for the petitioners to demonstrate how such Regulation is violative of Article 14 of the Constitution of India. There is neither factual foundation nor the petitioners demonstrated that such determination of seniority is arbitrary and illegal.

No doubt, by virtue of this Regulation, some of the Senior Assistants may become juniors of the U.D. Stenos. But, at the same time, the Regulations provide for conversion and therefore, clause 4 (iii) of Regulation 6 of Regulations 1981 cannot be said to be arbitrary. On the other hand, it is based on the sound principle that seniority of a person shall be reckoned from the date of promotion.

Hence, both the writ petitions are devoid of merit and accordingly they are dismissed. In the circumstances, no order as to costs.

_____

**JUSTICE K.C.BHANU**

Date: 24-06-2005.

YCR

To

1 The Registrar, Acharya N.H. Ranga Agricultural University,
Administrative Office, Rajendranagar, Hyderabad - 500 030.

2. 2 C.D. copies.